

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35749 of 2015

Arising Out of PS.Case No. -81 Year- 2013 Thana -BIHTA District- PATNA

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Bhim Raj Kumar son of Awadhesh Prasad Yadav, resident of village-
Regniyabag, P.S.- Naubatpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Jai Singh Sah, Son of Late Bangali Sao, Resident of Village – Bihta
(behind the bandh office, kumhar toli) P.S.- Bihta, District – Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha, Advocate.

For the Opposite Party : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The informant alleged that the petitioner intended to sale his land of Plot Nos. 430 and 432 of Khata No. 858 Area 21 decimal @ rate of Rs. 2,15,000/- per kattha. The informant gave Rs. 4,50,000/- to the petitioner for executing the deed of agreement to sale. The petitioner also acknowledged the receipt of Rs. 4,50,000/-, but the petitioner did not execute the sale deed.

It is submitted that the petitioner is always ready to execute the sale deed or return the money to the informant.

Learned counsel appearing on behalf of opposite party no. 2 submits that the said land belongs to another person who has already received compensation after acquisition of the land. The opposite party is ready to receive the money if the same is returned.

Considering the facts aforesaid and the fact that the petitioner is ready to return Rs. 4,50,000/- within four months from the date of this order, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in Bihta P.S. Case No. 81 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., if the petitioner fails to return Rs. 4,50,000/- to the opposite party no. 2 through cheque or draft within four months, the learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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